

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK LEASE ACCEPTANCE**

This is to certify that: J R SIMPLOT CO
C/O TERRY UHLING
999 MAIN ST STE 1300
BOISE ID 83707
(208) 336-2110

has requested to lease the water right(s) listed below to the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board") being authorized to operate a bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director", "Department") the acquisition of water rights for the Board's Bank, agrees to lease the water right to the Bank as follows:

Summary of Water Rights or Portions Leased to the Bank

	Water Right	Lease Rate	Lease Volume	Acre Limit	Total Leased Acres
	36-4179	4.27 CFS	NA	NA	NA
COMBINED LEASE TOTALS:		4.27 CFS	NA	NA	NA

TERM OF LEASE:

Lease Begin Date: May 20, 2005

Expiration Date: December 31, 2011

RENTAL AVAILABILITY:

Season of Use: January 1 to December 31

MINIMUM PAYMENT ACCEPTABLE:

Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 14th day of April, 20 11



GARY SPACKMAN, Interim Director
Department of Water Resources

WATER RIGHT NO. 36-4179
WATER SUPPLY BANK LEASE ACCEPTANCE

The water right or portion thereof leased to the bank is described as follows:

Lessor: J R SIMPLOT CO
C/O TERRY UHLING
999 MAIN ST STE 1300
BOISE ID 83707
(208) 336-2110

Priority Date: 04/01/1908

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	4.27 CFS	
	Total:		4.27 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SE¼NW¼SW¼ Sec. 15	Twp 10S	Rge 23E	MINIDOKA County
GROUND WATER	L1(SW¼SW¼SW¼) Sec. 15	Twp 10S	Rge 23E	MINIDOKA County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10S	23E	15									X	X	X(L1)						

CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Use of rights 36-2684A, 36-2729, 36-4179, 36-4180, and 36-8154 are limited when combined to a total combined diversion rate of 7.70 cfs and a total combined annual diversion volume of 3630.8 AF.
7. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
8. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
9. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.

**WATER RIGHT NO. 36-4179
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

10. In accordance with Idaho Code § 42-248 and 42-1409(6), all owners of water rights are required to notify the department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
11. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.
12. Two points of diversion located in T10S, R23E, S15, SENWNSW.
13. Industrial use is for a potato processing plant.
14. Prior to rental of the right from bank, additional information and review may be required to confirm the historic consumptive water use.

The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.